

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SCANSOFT, INC.)
Plaintiff,)
v.) Civil Action No. 04-10353 PBS
VOICE SIGNAL TECHNOLOGIES, INC.)
LAURENCE S. GILLICK, ROBERT S.)
ROTH, JONATHAN P. YAMRON, and)
MANFRED G. GRABHERR)
Defendants.)

MOTION TO FILE MEMORANDUM UNDER SEAL

Pursuant to Local Rule 7.2 and ¶ 14 of the parties' proposed Protective Order ("Protective Order"),¹ plaintiff ScanSoft, Inc. ("ScanSoft") hereby moves for an order granting leave to file under seal the Memorandum in Support of ScanSoft, Inc.'s Motion to Compel Deposition of Choate, Hall & Stewart Attorney Regarding Violation of Protective Order. ("Memorandum"), filed concurrently by hand.

As grounds for the motion, ScanSoft states that the Memorandum cites to the December 9, 2004 deposition testimony of Mr. Jordan Cohen and attaches as Exhibit B excerpts from the rough copy of the transcript of that deposition. At ¶ 3(d), the Protective Order requires that “[a]ll deposition testimony shall be treated as ‘HIGHLY CONFIDENTIAL’ until the 15th day after the transcript is received from the court reporter.” Because ScanSoft does not believe Mr. Cohen’s testimony reveals any confidential information, in an effort to avoid needlessly seeking the

¹ The proposed Protective Order, to which the parties have stipulated, was filed with the court on June 18, 2004 and awaits the Court's endorsement.

impoundment of these materials, ScanSoft contacted counsel for Voice Signal and requested confirmation that Mr. Cohen's testimony is not, in fact, Highly Confidential. However, ScanSoft has received no response.

Accordingly, pursuant to the terms of the proposed Protective Order, ScanSoft moves that the Memorandum be placed under seal in the envelope provided and that impoundment continue pursuant to Rule 7.2 and the terms of the Protective Order. Alternatively, should the Court deny this motion to file under seal, ScanSoft respectfully requests that the Memorandum be treated as filed in the regular course and placed in the public record.

CERTIFICATE PURSUANT TO CIVIL LOCAL RULE 7.1

I hereby certify that on December 14, 2004, I made several attempts to contact counsel for Voice Signal to resolve the issues presented in this motion, but that no response was forthcoming.

Dated: December 15, 2004

SCANSOFT, INC.,
By its attorneys,

/s/ Jack C. Schecter
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